

EDWARD H. KUBO, JR. 2499
United States Attorney
District of Hawaii

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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	DEFENDANT'S VERDICT FORM;
)	CERTIFICATE OF SERVICE
v.)	
)	
MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	Trial: February 5, 2008
Defendant.)	Judge: Hon. Helen Gillmor
_____)	

DEFENDANT'S VERDICT FORM

1. Has the plaintiff proved by a preponderance of the evidence that the plaintiff's race or prior EEO complaint was a motivating factor in the defendant's decision to promote three other individuals to screening manager instead of plaintiff in August 2003?

YES

NO

If you answered "NO" to question number 1, you have rendered your verdict. Skip the remaining questions, have the Foreperson sign this verdict form, and advise the Court that you have reached a unanimous verdict.

If the answer to Question No. 1 is "YES," proceed to Question No. 2.

2. Has the defendant proved, by a preponderance of the evidence, that the defendant would have made the same decision not to promote plaintiff even if the plaintiff's race and prior EEO activity had played no role in the defendant's decision terminate plaintiff?

YES

NO

If your answer to Question No. 2 is "NO," proceed to Question 3.

If your answer to Question No. 2 is "YES," you have rendered your verdict. Skip the remaining question, have the Foreperson sign this verdict form, and advise the Court that you have reached a unanimous verdict.

3. What sum of money, if any, do you unanimously agree will fairly and reasonably compensate plaintiff for the injuries he proved he suffered as a result of the race or retaliation discrimination you found?

\$ _____

JURY CERTIFICATE

THE VERDICT MUST BE UNANIMOUS AND MUST BE SIGNED BY THE JURY FOREPERSON.

Presiding Juror

Date: _____

DATED: January 22, 2008, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By /s/ Thomas A. Helper
THOMAS A. HELPER
Assistant U.S. Attorney

Attorneys for Defendant

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MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
Defendant.)	
)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known address:

Served Electronically through CM/ECF:

Daphne E. Barbee
desekmet@aloha.net

January 22, 2008

DATED: January 22, 2008, at Honolulu, Hawaii.

/s/ Coleen Tasaka-Shoda
